

CHAPTER 255

PUBLIC UTILITIES

SENATE BILL 22-144

BY SENATOR(S) Zenzinger, Cooke, Coram, Gardner, Ginal, Hisey, Liston, Lundeen, Priola, Smallwood, Sonnenberg, Woodward;
also REPRESENTATIVE(S) Kipp and Rich, Bernett, Hooton, Ricks, Valdez A.

AN ACT

CONCERNING THE PROVISION OF TRANSPORTATION SERVICES BY A TRANSPORTATION NETWORK COMPANY NOT IN CONNECTION WITH A BUSINESS OPERATED FOR PROFIT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 40-10.1-602, **amend** (6); and **add** (2.5) and (2.6) as follows:

40-10.1-602. Definitions. As used in this part 6, unless the context otherwise requires:

(2.5) "SCHOOL" MEANS A PUBLIC SCHOOL THAT ENROLLS STUDENTS IN ANY OF THE GRADES OF KINDERGARTEN THROUGH TWELFTH GRADE.

(2.6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A SCHOOL.

(6) (a) "Transportation network company services" or "services" means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company.

(b) ~~The term "TRANSPORTATION NETWORK COMPANY SERVICES" OR "SERVICES"~~ does not include services provided either directly by or under contract with USING VEHICLES OWNED OR LEASED BY a political subdivision or other entity exempt from federal income tax under section 115 of the federal "Internal Revenue Code of 1986", as amended.

(c) "TRANSPORTATION NETWORK COMPANY SERVICES" OR "SERVICES" INCLUDES SERVICES PROVIDED UNDER A CONTRACT BETWEEN A TRANSPORTATION NETWORK

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

COMPANY AND A POLITICAL SUBDIVISION OR OTHER ENTITY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 115 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

SECTION 2. In Colorado Revised Statutes, 40-10.1-105, **amend** (1)(b) and (1)(j) as follows:

40-10.1-105. Transportation not subject to regulation. (1) The following types of transportation are not subject to regulation pursuant to this article 10.1:

(b) The transportation of children to and from school, school-related activities, and school-sanctioned activities to the extent that ~~such~~ THE transportation is provided by VEHICLES OWNED OR DIRECTLY LEASED BY a school or school district or the school or school district's transportation contractors; EXCEPT THAT THIS SUBSECTION (1)(b) DOES NOT APPLY TO TRANSPORTATION NETWORK COMPANY SERVICES PROVIDED UNDER A CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND A SCHOOL OR SCHOOL DISTRICT;

(j) Transportation performed by the federal government, a state, or any agency or political subdivision of either, whether through an intergovernmental agreement, contractual arrangement, or otherwise; EXCEPT THAT THIS SUBSECTION (1)(j) DOES NOT APPLY TO TRANSPORTATION NETWORK COMPANY SERVICES PROVIDED UNDER A CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND THE FEDERAL GOVERNMENT, A STATE, OR ANY AGENCY OR POLITICAL SUBDIVISION OF EITHER.

SECTION 3. In Colorado Revised Statutes, 40-10.1-605, **add** (1)(p), (1)(q), (1)(r), and (10) as follows:

40-10.1-605. Operational requirements. (1) The following requirements apply to the provision of services:

(p) A TRANSPORTATION NETWORK COMPANY THAT, FOR REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES SHALL ENTER INTO A CONTRACT WITH THE APPROPRIATE SCHOOL OR SCHOOL DISTRICT THAT MAY INCLUDE SPECIFIC PROVISIONS FOR THE SAFETY OF STUDENT PASSENGERS, AS DETERMINED BY THE SCHOOL OR SCHOOL DISTRICT.

(q) A TRANSPORTATION NETWORK COMPANY THAT, FOR REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES SHALL USE A TECHNOLOGY-ENABLED INTEGRATED SOLUTION THAT PROVIDES END-TO-END VISIBILITY INTO THE RIDE FOR THE TRANSPORTATION NETWORK COMPANY, THE STUDENT'S LEGAL GUARDIAN, AND THE PERSON THAT SCHEDULED THE RIDE. THIS SOLUTION MUST ALLOW FOR GLOBAL POSITIONING SYSTEM MONITORING OF THE RIDE IN REAL TIME FOR SAFETY-RELATED ANOMALIES.

(r) A TRANSPORTATION NETWORK COMPANY THAT, FOR REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES SHALL ENSURE THAT EACH DRIVER PROVIDING THE SERVICE RECEIVES TRAINING IN

MANDATORY REPORTING REQUIREMENTS, SAFE DRIVING PRACTICES, FIRST AID AND CARDIOPULMONARY RESUSCITATION, EDUCATION ON SPECIAL CONSIDERATIONS FOR TRANSPORTING STUDENTS WITH DISABILITIES, EMERGENCY PREPAREDNESS, AND SAFE PICK-UP AND DROP-OFF PROCEDURES. THE TRANSPORTATION NETWORK COMPANY, NOT THE DRIVER, SHALL PAY THE COST OF PROVIDING THE TRAINING. NO LATER THAN SEPTEMBER 1, 2022, THE COMMISSION SHALL, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, PROMULGATE RULES PROVIDING FOR THE APPROVAL OF THE TRAINING USED, AND THE TRANSPORTATION NETWORK COMPANY MUST HAVE THE TRAINING APPROVED BY THE COMMISSION.

(10) A TRANSPORTATION NETWORK COMPANY SHALL NOT USE A DRIVER TO PROVIDE SERVICES FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES FOR REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT IF THE DRIVER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO AN OFFENSE DESCRIBED IN SECTION 22-32-109.8 (6.5).

SECTION 4. In Colorado Revised Statutes, 40-10.1-608, **add** (3) as follows:

40-10.1-608. Rules. (3) (a) IN ADDITION TO ANY OTHER RULES AUTHORIZED IN THIS PART 6, THE COMMISSION SHALL COORDINATE WITH THE DEPARTMENT OF EDUCATION TO PROMULGATE RULES IMPLEMENTING MINIMUM SAFETY STANDARDS FOR TRANSPORTATION NETWORK COMPANIES, PERSONAL VEHICLES, AND TRANSPORTATION NETWORK COMPANY DRIVERS WHEN ENGAGING IN SERVICES PROVIDED UNDER A CONTRACT WITH A SCHOOL OR SCHOOL DISTRICT. THE COMMISSION SHALL PROMULGATE THE RULES BY SEPTEMBER 1, 2022.

(b) AT LEAST ONCE EVERY THREE YEARS, THE COMMISSION SHALL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, REVIEW AND, IF NECESSARY, UPDATE THE RULES PROMULGATED IN ACCORDANCE WITH THIS SUBSECTION (3) AS REASONABLY NECESSARY TO ENSURE SAFE STUDENT TRANSPORTATION.

(c) NOTHING IN THIS SUBSECTION (3) PROHIBITS A SCHOOL OR SCHOOL DISTRICT FROM SETTING HIGHER STANDARDS FOR TRANSPORTING A STUDENT TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITY, OR SCHOOL-SANCTIONED ACTIVITY.

SECTION 5. In Colorado Revised Statutes, **add** 40-10.1-609 as follows:

40-10.1-609. Reporting requirements - rules. (1) A TRANSPORTATION NETWORK COMPANY SHALL, WITHIN A REASONABLE TIME AS DETERMINED BY RULES OF THE COMMISSION, NOTIFY THE COMMISSION OF ANY SAFETY OR SECURITY INCIDENTS THAT INVOLVE PROVIDING SERVICES FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES. THE TRANSPORTATION NETWORK COMPANY SHALL SEND THE SAME NOTICE TO EACH SCHOOL OR SCHOOL DISTRICT WITH WHICH THE TRANSPORTATION NETWORK COMPANY HAS ENTERED INTO A CONTRACT TO PROVIDE SERVICES TO STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES.

(2) (a) BY SEPTEMBER 1, 2022, THE COMMISSION SHALL PROMULGATE RULES REQUIRING A TRANSPORTATION NETWORK COMPANY TO REPORT INFORMATION

RELATED TO DRIVER BACKGROUND CHECKS, INSURANCE COVERAGE, AND DATA REPORTING, CONSISTENT WITH THE TYPE OF SERVICE PROVIDED, AS IT RELATES TO SERVICE FOR STUDENTS. IN PROMULGATING THE RULES, THE COMMISSION SHALL COORDINATE WITH THE DEPARTMENT OF EDUCATION.

(b) AT LEAST ONCE EVERY THREE YEARS, THE COMMISSION SHALL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, REVIEW AND, IF NECESSARY, UPDATE THE RULES PROMULGATED IN ACCORDANCE WITH THIS SUBSECTION (2).

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 27, 2022